

**ANN F. ALEXANDER**  
Claimant

**ALLIED MUTUAL INSURANCE COMPANY**  
Insurance Carrier

The claimant's need for medical treatment for her carpal tunnel syndrome in her left upper extremity is the result of personal injury by accident which arose out of and in the course of claimant's employment with respondent. This conclusion by the Appeals Board is based upon the uncontroverted testimony of claimant and the medical evidence. The mere passage of time between onset of claimant's symptoms on the left and the recommendation for surgery does not, in and of itself, give rise to a finding of intervening accident. Claimant testified that her condition has not worsened since leaving her employment with respondent. Rather, she is now more aware of the symptoms on the left due to her having had surgery on the right. The medical records and evidence support the claimant's position in this regard. Respondent's arguments to the contrary are merely

conjecture and are not supported by the evidence. Claimant has met her burden of proving that it is more probably true than not true that her current condition and need for treatment is a result of personal injury by accident arising out of and in the course of her employment.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the February 16, 1995 Order of Administrative Law Judge Floyd V. Palmer should be, and the same is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of June 1995.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Bonita J. Yoder, Lawrence, KS  
Terri Z. Austenfeld, Overland Park, KS  
Floyd V. Palmer, Administrative Law Judge  
George Gomez, Director